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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,679	06/09/2000	Serge Haumont	796.354USW1	3593

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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,679

Applicant(s)

HAUMONT ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 26-30, 33-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokiahio et al. (U. S. Patent Number 5,889,770).

Regarding claims 26,40,41-46, Jokiahio et al. discloses all the claimed invention as set forth in the instant application, additionally Jokiahio et al. discloses location updating for a packet switched data service in a mobile communication system further Jokiahio et al. discloses a method of location management in a mobile telecommunication system comprising mobile subscribers, mobile stations, core network providing telecommunication services and a radio access network, system information concerning a location of a mobile station is stored in the radio access system, the radio access system uses a location area configuration to track mobile, determining in the core network a service area, informing the radio access network of the service area, receiving by RAN a location update, determining based on location update, sending the core network a report as exhibited in figure 1 and disclosed in column 1 lines 31-55, and in column 5 lines 1-25, and in column 8 lines 46-55.

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Regarding claims 27-30, 33-36, Jokiaho et al. discloses everything claimed, as applied above (see claim 26) in addition, Jokiaho et al. discloses location accuracy level as disclosed in column 1 lines 32-59.

Regarding claim 37-39, Jokiaho et al. discloses everything claimed, as applied above (see claim 26) in addition, Jokiaho et al. discloses core network and radio access network negotiate the size of the reporting area as disclosed in column 10 lines 35-39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokiaho et al. in view of Stewart (U. S. Patent Number 5,835,061).

Regarding claims 31 and 32, Jokiaho et al. discloses everything claimed, as applied above (see claims 27) in addition, Jokiaho et al. discloses location accuracy level as disclosed in column 1 lines 32-59, however Jokicho et al. fails to specifically disclose the use of past behavior of the mobile.

In the same field of endeavor, Stewart. discloses a method and apparatus for geographic-based communications service. In addition Stewart discloses the use of past behavior of the mobile as disclosed in column 6 lines 50-58.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Jokicho et al. by modifying the location updating for a packet switched data service in a mobile communication system with the use of past behavior of the mobile for the purpose of providing customized service based on the location of the user.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huusko et al. (U. S. Patent Number 6,397,065) discloses cellular radio access network and location updating in a cordless communications system;

Response to Arguments

3. Applicant's arguments filed 5/14/02 have been fully considered but they are not persuasive.

Applicant arguments regarding Jokiahho fails to disclose at least determining in the core network a reporting area this reads on Jokiahho column 8 lines 34-39 "the level of a signal received by the mobile station, the quality of a signal (for instance the bit error rate), other corresponding criteria or the different combinations thereof. In order to prevent back-and-forth location updating between two cells in their boundary area, the criteria used in decision-making

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are determined in such a manner that there is hysteresis in the boundary areas of the cells during location updating,”

Applicant arguments regarding Jokiaho fails to disclose determining by the radio access network based on the location update whether or not the mobile station has moved out of the reporting area, this reads on Jokiaho column 8 lines 40-45 “the location updating criteria from a cell to another are different in one direction than in the opposite direction. The location updating can alternatively be carried out every time the mobile station MS performs a cell crossover or handover in the mobile communication network according to the normal procedures of the mobile communication network.”

Applicant arguments regarding Jokiaho fails to disclose sending by the radio access network to the core network a report if the mobile station has moved out of the reporting area, this reads on Jokiaho column 8 lines 46-50 “a mobile station has data to be transmitted when it is crossing a cell boundary, the mobile station transmits a normal information packet after the connection with the new cell has been established. The data packets transmitted between the mobile station MS and the packet service center agent.”

The examiner contends that the Jokiaho et al. reference reads on the broadly stated claims 26-30, 33-46, the examiner further stands by and restates the above rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith
July 15, 2002



EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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